

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: May 19, 2004
Bulk Item: Yes X No

Division: Growth Management
Department: Planning

AGENDA ITEM WORDING: Approval for an Affordable Housing Deed Restriction for one dwelling unit from Edward & Denise Werling.

ITEM BACKGROUND: On March 24, 2004 the Planning Commission approved an allocation award for the applicants listed below provided the applicants' Affordable Housing Deed Restriction is approved by the BOCC. Edward & Denise Werling submitted the Restrictive Covenant to Monroe County. The applicants are receiving a dwelling unit allocation award for the year ending July 13, 2004, have filed the document in accordance with Ordinance No. 47-1999.

PREVIOUS RELEVANT BOARD ACTION: On November 11, 1999, the BOCC adopted Ordinance No. 047-1999.

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATION: Approval.

TOTAL COST: X

BUDGETED: Yes N/A No

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # I18

M E M O R A N D U M

TO:: Danny Kolhage, Clerk of the Court
FROM: Timothy J. McGarry, Growth Management Director *TJM*
DATE: May 19, 2004
RE: Clarification of Agenda Item

Affordable Housing

Permit Number	Name on Agenda Item	Name on Restrictive Covenant	Legal Description
03-1-0095	Edward & Denise Werling	Edward & Denise Werling.	Lot 10, Block 2, Cutthroat Harbor Estates 1 st Addition, Cudjoe Key

MONROE COUNTY PLANNING DEPARTMENT AFFORDABLE HOUSING DEED RESTRICTION

STATE OF FLORIDA
COUNTY OF MONROE

Notice is hereby given that:

- I. I/We, Edward & Denise Werling, a married couple, the undersigned is/are the sole owner(s) of certain real property, situated, lying and being in Monroe County, State of Florida, described as follows:

Lot(s): 10, Block: 2

Subdivision: Cutthroat Harbor Estates First Addition

Key: Cudjoe PB: 5-60

(If legal description is metes and bounds, attach a separate sheet)

Real Estate Number: 00184070.000000

- II. The residential unit Building Permit Number is 03-1-0095.
- III. Under the affordable housing provisions set for in Chapter 9.5 of Monroe County Land Development Regulations, the owner or owners of the above-described real property have been exempted from payment of "Fair Share Impact Fees" for a (check one): a single-family x, a multi-family unit, __, a mobile home __ to be constructed on said real property.
- IV. The annual adjusted gross income for the owner-occupied or tenant-occupied household does not exceed one hundred (100) percent of the median adjusted gross annual income within Monroe County.
- V. The rent (employee housing/tenant) will not exceed thirty (30) percent of the median adjusted gross annual income divided by 12 for households within Monroe County.
- VI. Under Monroe County Code Section 9.5-266, the affordable housing dwelling unit is restricted to a maximum of one thousand three hundred (1,300) square of feet habitable space for a period of at least fifty (50) years.

- VII. The applicant(s) have used the affordable housing program to gain additional points in the permit allocation system pursuant to Monroe County Section 9.5-122.3(6).
- VIII. The covenants shall be effective for fifty (50) years, but shall not commence running until a certificate of occupancy has been issued by the building official for the dwelling unit(s) to which the covenant or covenants apply. This deed restriction shall remain in effect for fifty (50) years regardless of the owner(s) or occupant(s) ability to comply or re-qualify on an annual basis or as otherwise may be required.
- IX. All of the restrictions herein shall be binding upon any transferees, lessees, heirs, assigns or successors in the chain of title.
- X. Monroe County may enforce this affordable housing deed restriction through any legal procedure available, whether at law or equity.

I/we certify that I/we am/are familiar with the information herein contained and that it is true and correct to the best of my knowledge and belief; and I/we will abide by the above stated restrictions pursuant to Monroe County Code Chapter 9.5 as may be amended from time to time.

WITNESSES:

Lynne Hankins Fielder
(Signature)

Lynne Hankins Fielder
(Print/Type Name)

OWNER OR OWNERS

Edward Werling
(Signature) Edward Werling

Address: PO Box 1042

Summerland Key, FL 33042

Denise Werling
(Signature) Denise Werling

Richard J. Fielder
(Signature)

RICHARD J. FIELDER
(Print/Type Name)

Address: PO Box 1042
Summerland Key, FL 33042

and Denise Werling

The foregoing instrument was acknowledged before me this 25th day of April, 2004 A.D. by Edward Werling. He and Denise Werling are personally known to me or have produced identification.

L. Hankins-Fielder
Commission # CC 963513
My Comm. Expires 12.15.2004
Notary Public
Atlantic Bonding Co., Inc.

Lynne Hankins Fielder, Esq.
Notary Public (Signature)
LYNNE HANKINS FIELDER, ESQ.
PO BOX 420973
SUMMERLAND KEY, FL 33042-0973

Real Estate No. # 00184070.000000
Affordable Housing Deed Restriction

Initial EW
DF

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Robert N. Wolfe
ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 5-5-04